

Liquor Commission meeting 6/13/13

Members Present: Gil Medeiros, Chris Walsh, Sean McCarthy, Michael Gilbert, John Guerin, Kelly Richenburg

Members Absent:

Mr. Medeiros called the meeting to order at 7:00 pm.

Minutes:

Motion to approve the minutes for the meetings of May 23, 2013 made by Mr. McCarthy and seconded by Ms. Richenburg. Vote: unanimous.

New Business:

Striper's Grill – Acceptance of amended application

Motion to accept the amended application for license transfer of Striper's Grill by Ms. Richenburg, seconded by Mr. Walsh. Vote: unanimous.

Change of DBA-Surfside 5 to Surfside

Motion to approve the Change of DBA for Surfside 5 by Mr. Gilbert, seconded by Mr. McCarthy. Vote: unanimous.

Acceptance of application for Transfer of license for Chin-Chin's

Mr. Medeiros indicated the Building Inspector sent the Commission a copy of a building permit for renovations to be included in the packet of information.

Mr. Gilbert indicated that the application included a floor plan with the renovations indicated.

After a brief discussion of available dates,

Motion to accept the application for alteration of premises and license transfer of Chin-Chin's to Family Chinese Restaurant and schedule a public hearing for July 11, 2013 by Mr. Walsh seconded by Mr. Gilbert. Vote: unanimous.

Uncle Eddies – Incident Report

Mr. Medeiros outlined the report from the Salisbury Police of an incident that occurred at Uncle Eddies on May 19, 2013 that involved the possible overserving of two individuals who were arrested on Salisbury Beach.

Mr. Medeiros asked the owner to step to the Microphone and introduce himself.

Mr. Michael Pachico introduced himself. Mr. Pachico indicated that about 3pm the couple entered Uncle Eddies and were in and out until about 6:30pm. At 6pm Mr. Pachico indicated that Hannah, the bartender didn't feel comfortable serving the female again. Mr. Pachico indicated he was told the female was hyper and bothering other patrons and Hannah decided not to serve the female again. Mr. Pachico indicated that Hannah asked the female to leave and that his security chief (Mike) asked the male to take the female out of the premises. Mr. Pachico indicated that a half hour to 45 minutes later he saw them being arrested on the beach.

Mr. Pachico indicated that on Monday evening Mr. Medeiros and Mr. Walsh went to Uncle Eddies to inform him of the incident. Following that conversation he checked his security tapes and made notes. He indicated that he was going to make copies but when he went to do so the next day they had been written over. So all he had were his notes.

Mr. Medeiros asked how many drinks were they served?

Mr. Pachico indicated he had a report for the board which he provided and then proceeded to walk through with the board.

Included in the report was the fact that when the male entered the premises he was armed with a handgun and the security chief told him he couldn't enter with it and it was indicated that the male took the gun out and put it in his vehicle.

Mr. Pachico explained the timeline and the fact that the male had 4 20 oz drafts and a jeager shot or bomb. He indicated the girl hadn't had as much but in his opinion may have been doing something else during frequent trips out of the bar.

Mr. Medeiros indicated that he was concerned that no one from Uncle Eddies called 911 about the presence of the gun even though they had multiple opportunities to do so.

Mr. Pachico indicated in hindsight that was a problem.

Michael Digrenere, the security chief, stated that when the male first entered the bar he showed the male some courtesy as he was a recent member of the military but that he did make him remove the 357 magnum from the premises and the male did. Mr. Digrenere also indicated that he didn't feel at that time that the male was a threat.

Mr. Medeiros then asked Mr. Pachico about a statement in the report that he had initially indicated to the police officer that he hadn't served the individuals in Uncle Eddies. Mr. Pachico denied that he said that to the officer.

Mr. Medeiros then asked Mr. Pachico why, when the female showed up later at the door in only a bra and shorts, no one called 911. Mr. Medeiros explained that, as a business owner, Mr. Pachico should feel some obligation to help and protect the community.

Mr. Pachico indicated that much of this happened outside and he didn't really have any red flags and he didn't see the male anywhere. Mr. Medeiros asked what about her appearance? Mr. Gilbert stated that should have been even more reason since without the male around wouldn't that be a possible indication he may have done something?

Mr. Walsh then spoke to the facts and indicated that Mr. Pachico had seemed vague when he spoken to following the incident.

Ms. Richenberg indicated that the police report's description and Mr. Pachico's statements would indicate to her that the behavior of the individuals might also indicate that some other substance other than alcohol might have been involved.

Hannah, the bartender, indicated that after the arrest a woman did come into the bar who indicated that she had interacted with the female, asking her what she was on and the female responded with do you want some.

Mr. Medeiros again indicated that someone should have called 911 and explained potential scenarios of mishaps that could have resulted.

Mr. Gilbert commented that when commissioners came to see him, Mr. Pacheco should have immediately volunteered to view the tapes with them or provide immediate copies.

Mr. Medeiros relinquished the chair to Mr. Walsh.

Motion to suspend Uncle Eddies license for 3 days to be held in abeyance for a period of 6 months at which time, if there are no other incidents the suspension shall not be served. Motion by Mr. Medeiros second by Mr. Gilbert Vote:unanimous

Mr. Medeiros indicated that, in the future, establishments should consider themselves on notice that if they

have video surveillance and do not immediately make it available to the board or its agents it may result in a violation.

Public Hearing:

Motion to open the public hearing for the the Dolphin Grille, Inc.'s application for New officer/director, transfer of stock and transfer of license by Mr. Gilbert, second by Mr. Guerin. Vote: unanimous.

Attorney Chris Caldwell representing Dolphin Grille, Inc explained to the board that he had contacted Mr. Ralph Sacramone, executive director of the ABCC, and explained all of the probate issues and was told by him not to file anything until he heard back from ABCC. Attorney Caldwell indicated that he had received instructions from the ABCC general counsel on what he needed to do to file and that he has done so with the application packages before the board tonite.

Mr. Medeiros indicated that there is now a new process through the ABCC that applicants provide a DOR certificate of good standing showing no parties owe taxes.

Attorney Caldwell indicated this would be taken care of.

No one appeared to speak for or against the transfer.

Motion to close the hearing by Mr. Walsh, seconded by Mr. Guerin. Vote: unanimous

Motion to approve the Dolphin Grille, Inc.'s application for New officer/director, transfer of stock and transfer of license by Mr. Gilbert, second by Ms. Richenburg. Vote: unanimous.

Mr. Gilbert indicated the form 43 would not be available for signature until tomorrow.

Correspondence:

Mr. Walsh indicated a letter from Kris O'Malley to board members regarding explanation for her resignation.

Mr. Walsh indicated a report from Police Chief Fowler regarding his concern about the large number of patrons and the intoxication level of those patrons at closing time around Splash. Mr. Gilbert asked if Mr. Walsh would please forward the report to all members of the board. Mr. Walsh indicated he would do so.

Mr. Medeiros indicated he had a letter from an attorney seeking records regarding a licensed establishment in town and asked Mr. Gilbert to deal with the response. Mr. Gilbert indicated he would turn over the request to the Town Manager.

Old Business:

Mr. Medeiros asked Mr. Walsh to provide a report of the inspection resulting from the Uncle Eddies incident. Mr. Walsh indicated that he and Mr. Medeiros went to the beach after being informed of the incident. Mr. Walsh indicated that they found no violations at the time and Mr. Guerin indicated he has visited Uncle Eddies on numerous occasions without incident. Mr. Walsh also updated the board on a presentation made to the Board of Selectmen. Mr. Guerin commented that business at the beach appeared to be slow so far for the summer season.

The manager of Splash has turned in his hours as requested by the board.

Jeff Duford dropped off the last piece required to move his application to the ABCC.

Mr. Medeiros indicated that there are tax issues with Good Fortune's application and they have retained an attorney. Good Fortune will also be on the agenda for July.

Anthony's is awaiting action by the ABCC.

New Business:

The board indicated it would meet only July 11th and August 8th for the summer schedule.

Mr. Walsh updated the board on efforts to find a secretary and the board discussed the need for someone to be available in Town Hall for day to day operations.

Due to other commitments by Mr. Gilbert and Mr. McCarthy the board decided to cancel the meeting of the 27th as a quorum would not be present.

Motion by Mr. Gilbert, seconded by Mr. McCarthy to adjourn the meeting. Vote: unanimous.